

Exhibit 1



Superior Court of Alameda County Public Portal

24CV078868 AS YOU SOW, A 501(C)(3) NON-PROFIT CORPORATION vs ETSY, INC.,....

Civil Unlimited (Toxic
Tort/Environmental)

Rene C. Davidson Courthouse / DEPT 20 -
HON. Karin Schwartz

Filed: 06/07/2024

Next Hearing: 10/07/2024 Initial Case
Management Conference

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Case Summary

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Date	Message	Category	Download
06/07/2024	Complaint Filed by: As You Sow, a 501(c)(3) non-profit corporation (Plaintiff) As to: Etsy, Inc. (Defendant); DOES 1-20, inclusive (Defendant)	Document	
06/07/2024	Civil Case Cover Sheet Filed by: As You Sow, a 501(c)(3) non-profit corporation (Plaintiff) As to: Etsy, Inc. (Defendant)	Document	
06/07/2024	Notice of Case Management Conference Filed by: Clerk	Document	
06/07/2024	Initial Case Management Conference scheduled for 10/07/2024 at 08:30 AM in Rene C. Davidson Courthouse at Department 21	Event	
06/07/2024	Complex Determination Hearing scheduled for 07/09/2024 at 02:30 PM in Rene C. Davidson Courthouse at Department 21	Event	
06/07/2024	The case is placed in special status of: Provisionally Complex – Case Type	Case	
06/07/2024	Summons on Complaint Issued and Filed by: As You Sow, a 501(c)(3) non-profit corporation (Plaintiff) As to: Etsy, Inc. (Defendant); DOES 1-20, inclusive (Defendant)	Document	
06/07/2024	Case assigned to Hon. Noël Wise in Department 21 Rene C. Davidson Courthouse	Assignment	
06/11/2024	Notice of Related Case Filed by: As You Sow, a 501(c)(3) non-profit corporation (Plaintiff)	Document	
06/13/2024	Tentative Ruling Published for 07/09/2024 2:30 PM Complex Determination Hearing}	Tentative Ruling	
06/14/2024	Proof of Personal Service Filed by: As You Sow, a 501(c)(3) non-profit corporation (Plaintiff) As to: Etsy, Inc. (Defendant); DOES 1-20, inclusive (Defendant) Service Date: 06/11/2024 Service Cost Waived: No	Document	
06/18/2024	Proof of Service of Summons Filed by: As You Sow, a 501(c)(3) non-profit corporation (Plaintiff) As to: Etsy, Inc. (Defendant); DOES 1-20, inclusive (Defendant)	Document	
07/09/2024	Order for Release of Funds Issued by: Clerk	Document	

Date

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07/09/2024 Minute Order (Complex Determination Hearing filed by As You Sow, a 501(c) (3...)) Minute Order



07/09/2024 Order re: Complex Determination Hearing filed by As You Sow, a 501(c)(3) non-profit corporation (Plaintiff) on 06/07/2024
Signed and Filed by: Court Document



07/09/2024 Complex Determination Hearing scheduled for 07/09/2024 at 02:30 PM in Rene C. Davidson Courthouse at Department 21 updated:
Result Date to 07/09/2024
Result Type to Held Event

07/09/2024 Disbursement Approved for One Legal - \$1,000.00 Financial

07/10/2024 Notice of Case Reassignment (Civil)
Filed by: Clerk Document



07/10/2024 Case reassigned to Rene C. Davidson Courthouse in Department 24 - Hon. Rebekah Evenson
Reason: Deemed Non-Complex Assignment

07/10/2024 The case is placed in special status of: Deemed Non-Complex Case

07/10/2024 Notice of Case Reassignment (Civil)
Filed by: Clerk Document



07/10/2024 Case reassigned to Rene C. Davidson Courthouse in Department 20 - Hon. Karin Schwartz
Reason: Transfer for Reassignment Assignment

07/10/2024 The case is removed from the special status of: Provisionally Complex – Case Type Case

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Superior Court of California,
County of Alameda

06/07/2024 at 02:04:24 PM

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ALAMEDA**

AS YOU SOW, a 501(c)(3) non-profit
corporation,

Plaintiff,

v.

ETSY, INC. and DOES 1-20, inclusive,

Defendants.

Case No. 24CV078868

**COMPLAINT FOR INJUNCTIVE RELIEF
AND CIVIL PENALTIES AND OTHER
EQUITABLE RELIEF FOR VIOLATIONS
OF PROPOSITION 65 (HEALTH & SAF.
CODE, § 25249.6 et seq.) AND
CALIFORNIA'S UNFAIR COMPETITION
LAW (BUS. & PROF. CODE, § 17200 et
seq.)**

1. Plaintiff AS YOU SOW brings this action pursuant to California's Proposition 65, Health & Safety Code § 25249.6 *et seq.*, and California's Unfair Competition Law ("UCL"), Business and Professions Code § 17200 *et seq.* As regards Plaintiff's Proposition 65 claim, Plaintiff seeks to enjoin defendants to either (1) prevent the sale of skin lightening products that contain mercury or mercury compounds to California consumers on Defendant Etsy, Inc.'s website, www.etsy.com, or (2) comply with Proposition 65's warning requirement by providing a clear and reasonable warning to California customers prior to their purchase of skin lightening products that contain mercury or mercury compounds on www.etsy.com. Plaintiff also seeks civil penalties as provided for under Proposition 65 and other appropriate relief. As regards Plaintiff's UCL claim, Plaintiff seeks to enjoin

1 Defendants from unlawful and unfair business practices and false advertising, namely, selling skin
2 lighting products that contain mercury in California in violation of the Sherman Act. Plaintiff also
3 seeks attorney fees and costs, as well as other appropriate relief.

4 **Venue And Jurisdiction**

5 2. This Court has jurisdiction over this action pursuant to Health and Safety Code section
6 25249.7, which allows enforcement of Proposition 65 in any court of competent jurisdiction, and
7 pursuant to California Constitution, article VI, section 10, because this case does not present a cause
8 given by statute to other trial courts.

9 3. This court has jurisdiction over Defendants because they have sufficient minimum
10 contacts in the State of California, and/or otherwise purposefully avail themselves of the California
11 market.

12 4. Plaintiff has met the statutory requirements for notice to bring this citizen suit
13 enforcement action under Health and Safety Code section 25249.7 and its implementing regulations.

14 5. Venue is proper in the Superior Court of California, Alameda County, pursuant to
15 Code of Civil Procedure sections 393 and 395, because this court is a court of competent jurisdiction,
16 because plaintiff seeks civil penalties against Defendants, because one or more instances of wrongful
17 conduct occurred and continue to occur in Alameda County, and/or because Defendants conducted
18 and continue to conduct business in this county with respect to the consumer products at issue in this
19 case.

20 **Parties**

21 6. Plaintiff AS YOU SOW is a 501(c)(3) non-profit corporation dedicated to, among
22 other causes, the protection of the environment, toxics reduction, advancing safe and sustainable food
23 and consumer products, the promotion and improvement of human health, and the improvement of
24 worker and consumer rights.

25 7. AS YOU SOW's efforts primarily focus on corporate engagement through shareholder
26 advocacy, working to make the environment and human rights a central component of corporate
27

1 decision-making. Where possible, Plaintiff engages senior management to change corporations from
2 the inside out.

3 8. Since 1992, AS YOU SOW has been working to bring hundreds of manufacturers and
4 whole industries into compliance with Proposition 65. AS YOU SOW encourages innovative
5 settlements that reduce hazardous emissions, eliminate consumer exposures to toxics, and provide
6 funds for employee training to lower occupational exposures to toxic chemicals.

7 9. AS YOU SOW brings this action as a private attorney general in the public interest
8 pursuant to Health & Safety Code section 25249.7, subdivision (d) and as an entity who has suffered
9 injury in fact pursuant to California Business & Professions Code section 17204.

10 10. As a direct result of Defendants' violation of California law, AS YOU SOW has had to
11 divert economic resources to investigate and address Defendants' conduct in promoting the sale of
12 skin lightening products that contain mercury or mercury compounds to California consumers on
13 Defendant's website, www.etsy.com, failing to comply with Proposition 65's warning requirement by
14 providing a clear and reasonable warning to California customers prior to their purchase of skin
15 lightening products that contain mercury or mercury compounds on www.etsy.com, and engaging in
16 unlawful and unfair business practices, as well as false advertising.

17 11. Since 2023, paid staff employed by AS YOU SOW have devoted considerable time to
18 monitoring the www.etsy.com site for skin lightening products that contain mercury or mercury
19 compounds. AS YOU SOW has directed and paid for the purchase of such products from
20 www.etsy.com.

21 12. Through informal letters, discussions, and 60-day Notices of Violation, Plaintiff has
22 demanded that Defendant ETSY, INC. cease to sell skin lightening products that contain mercury or
23 mercury containing compounds and has provided Defendant with details of its liability under
24 Proposition 65, the Unfair Competition Law (UCL), and California's Sherman Food, Drug and
25 Cosmetic Law.

1 13. For example, On December 22, 2023, AS YOU SOW notified ETSY, INC. of the
2 listing on www.etsy.com of nine different skin lightening, whitening, and “smoothing” creams
3 containing mercury or mercury compounds (“PRODUCTS”), most on multiple different storefronts
4 on www.etsy.com. Additionally, in the same letter, AS YOU SOW provided a long list of
5 PRODUCTS which were not found on www.etsy.com, but were known to AS YOU SOW to be for
6 sale in other places in the United States, with the objective of preventing these PRODUCTS from ever
7 appearing on www.etsy.com. AS YOU SOW provided ETSY, INC. with public health warnings and
8 test results as exhibits to the letter.

9 14. To address the mercury content of products purchased on www.etsy.com, AS YOU
10 SOW has had to fund testing of the products purchased thereon. Plaintiff also has expended further
11 resources to communicate with public health agencies regarding their testing of skin lightening creams
12 that contain mercury or mercury containing compounds.

13 15. Plaintiffs have thus spent considerable time, energy, manpower, and monetary
14 resources to ensure Defendant’s compliance with California law. The resources spent on investigative
15 and enforcement efforts directed towards ETSY, INC.’s sale of skin lightening creams that contain
16 mercury or mercury containing compounds could have been spent in various other ways. Had Plaintiff
17 not had to divert these resources as a result of Defendant’s unlawful activities, Plaintiffs would have
18 directed the resources towards other mission-critical activities in Plaintiff’s strategic plan.

19 16. Defendant ETSY, INC. is a business entity with ten or more employees doing business
20 within the scope of Proposition 65. (Health & Saf. Code, § 25249.11.)

21 17. Plaintiff does not know the true names and capacities of the defendants named in this
22 action as DOES 1-20, and therefore, sues them under fictitious names. Plaintiff will request
23 permission to amend this complaint or substitute DOE defendants to state their true names and
24 capacities when their identities are ascertained.

Statutory And Regulatory Background

A. Proposition 65

18. Overwhelmingly enacted by the voters of California in 1986 as “Proposition 65,” the Safe Drinking Water and Toxic Enforcement Act “is a remedial statute intended to protect the public.” (*People ex rel. Lungren v. Superior Court* (1996) 14 Cal. 4th 294, 314.)

19. Proposition 65 declared the People’s right to be “informed about exposures to chemicals that cause cancer, birth defects, or other reproductive harm.” (Health & Saf. Code Div. 20, Ch. 6.6 Note, § 1, subd. (b).)

20. Under Proposition 65:

No person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual, except as provided in section 25249.10.

(Health & Saf. Code, § 25249.6.)

21. A “person in the course of doing business” does not include any person employing fewer than 10 employees in his or her business; any city, county, or district or any department or agency thereof or the state or any department or agency thereof or the federal government or any department or agency thereof; or any entity in its operation of a public water system as defined in Section 116275. (Health & Saf. Code, § 25249.11, subd. (b).)

22. An exposure to a listed chemical contained in a consumer product “results from a person’s acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results from receiving a consumer service.” (27 Cal. Code Regs., § 25602 subd. (b).)

23. A “knowingly” exposure occurs where the party responsible for such exposure has:

knowledge of the fact that a discharge of, release of, or exposure to a chemical listed pursuant to Section 25249.8(a) of the Act is occurring. No knowledge that the discharge, release or exposure is unlawful is required.

(27 Cal. Code Regs., § 25102, subd. (n).)

24. Neither Proposition 65 nor the regulations use the phrase “constructive knowledge” or language commonly associated with the concept, such as “should know” or “reason to know.” Similarly, Proposition 65 nor the regulations applicable to this case use the phrase “actual knowledge” as well. *See Lee v. Amazon, Inc.*, 76 Cal.App.5th 200 (2002). Further, it has been found that there are circumstances in which constructive knowledge is sufficient to require provision of a warning. (*Id.*)

25. According to the Office of Environmental Health Hazard Assessment (OEHHA), a warning meets the “clear and reasonable” requirements of Proposition 65 only if it includes: (1) a symbol consisting of a black exclamation point in a yellow equilateral triangle with a bold black outline¹; (2) the symbol shall be placed to the left of the text of the warning, in a size no smaller than the height of the word “WARNING”; (3) the word “WARNING:” in all capital letters and bold print; and (4) the words, “This product can expose you to chemicals including [name of one or more chemicals], which is [are] known to the State of California to cause [cancer, birth defects or other reproductive harm or cancer and birth defects or other reproductive harm].” (27 Cal. Code Regs., § 25603, subd. (a).) Where a warning is being provided for an exposure to a single chemical the words “chemicals including” may be deleted from the warning content. (*Id.*)

26. For internet purchases, the warning may be provided by including a clearly marked hyperlink using the word “**WARNING**” on the product display page, or by “otherwise prominently displaying the warning to the purchaser prior to completing the purchase.” (27 Cal. Code Regs., § 25602, subd. (b).) “For purposes of this subarticle, a warning is not prominently displayed if the purchaser must search for it in the general content of the website.” (*Id.*)

27. Where a sign or label used to provide consumer information about a product is in a language other than English, “the warning must also be provided in that language in addition to English.” (27 Cal. Code Regs., § 25602, subd. (d).)

¹ Where the sign, label or shelf tag for the product is not printed using the color yellow, the symbol may be printed in black and white.

1 28. Through its strong notice provisions, Proposition 65 helps to protect California's
2 drinking water sources from contamination; allows consumers to make informed choices about the
3 products they buy; and gives Californians the tools they need to protect themselves from exposure to
4 toxic chemicals.

5 29. Proposition 65 provides that any person who "violates or threatens to violate" the
6 statute may be enjoined in any court of competent jurisdiction. (Health & Saf. Code, § 25249.7.)
7 "Threaten to violate" is defined to mean "to create a condition in which there is a substantial
8 probability that a violation will occur." (*Id.* at § 25249.11, subd. (e).)

9 30. In addition, any person who violates Proposition 65 is liable for civil penalties not to
10 exceed \$2,500 per day for each violation, recoverable in a civil action. (Health & Saf. Code,
11 § 25249.7, subd. (b).)

12 31. Private parties are entitled to bring an action in the public interest to enforce
13 Proposition 65 under Health and Safety Code, section 25249.7, subdivision (d).

14 **B. Unfair Competition Law**

15 32. California's Unfair Competition Law, Business & Professions Code sections 17200 *et*
16 *seq.* prohibits businesses from engaging in unlawful or unfair business practices. Section 17500
17 prohibits unfair, deceptive, untrue, or misleading advertising.

18 33. California Business & Professions Code section 17203 allows any person to pursue
19 representative claims or relief on behalf of others if the claimant meets the standing requirements of
20 California Business & Professions Code section 17204 and California Civil Procedure Code section
21 382.

22 34. Plaintiff has standing under California Business & Professions Code section 17204,
23 which provides that actions for relief pursuant to the UCL shall be prosecuted exclusively in a court of
24 competent jurisdiction by, *inter alia*, any person who has suffered injury in fact and has lost money or
25 property as a result of the unfair competition.

1 35. For claims based on false advertising, Section 17535 of the UCL provides that any
2 person, association, or organization which violates Section 17500 may be enjoined by any court of
3 competent jurisdiction. Actions for such injunctive relief may be prosecuted by any person,
4 association, or organization who has suffered injury in fact and has lost money or property as a result.

5 36. An organization meets the economic injury-in-fact standing requirements under the
6 UCL where (1) the organization diverts resources to investigate and counteract a defendant's alleged
7 unlawful business practices, and (2) the defendant's unlawful business practices are inimical to the
8 organization's mission.

9 37. Plaintiffs have standing under California Civil Procedure Code section 382, which
10 provides that "when the question is one of a common or general interest, of many persons, of when
11 the parties are numerous, and it is impracticable to bring them all before the court, one or more may
12 sue or defend for the benefit of all."

13 38. Section 17200 of the UCL prohibits "unlawful" business practices. An unlawful
14 business practice is an act or practice, committed pursuant to business activity, that is at the same time
15 forbidden by law. Virtually any law—federal, state, local or court-made—can serve as a predicate for
16 an action under Section 17200. Defendants have engaged in unlawful business practices predicated on
17 Proposition 65 and California's Sherman Food, Drug and Cosmetic Law (Health & Saf. Code §
18 109875 *et seq.*).

19 39. Section 17200 of the UCL prohibits "unfair" business practices, which include unfair
20 practices perpetrated by competitors which are harmful to other competitors and unfair practices
21 perpetrated by a seller of services which are harmful to the consumer. Conduct is "unfair" within the
22 meaning of Section 17200 if it is offensive to public policy, unscrupulous, oppressive, or substantially
23 injurious to competitors or consumers.

General Allegations of Fact

A. Defendant ETSY, INC. operates www.etsy.com in the course of doing business.

40. Defendant is a “person in the course of doing business” as that term is defined at Health and Safety Code section 25249.11, subdivision (a). (*Lee v. Amazon, Inc.* 76 Cal.App.5th 200, 249.)

41. Defendant owns and operates a global marketplace located at the website www.etsy.com

42. Defendant’s online platform facilitates the sale of products by third parties to end-users or online customers. In 2023, this platform was used by over 6 million sellers and 91 million buyers.

43. Defendant posted a consolidated gross merchandise sales of \$32 billion in fiscal year 2023 with market presence on multiple continents, including Asia, Europe, and the Americas.

44. Defendant provides some level of business service for each product sold through its website, including the skin lightening products at issue in this case.

45. In exchange for the following services, Defendant earns fixed fees, a percentage of sales, per-unit activity fees, interest, or some combination thereof from each of the approximately 6 million third party sellers utilizing www.etsy.com:

- a) Defendant attracts customers to the web site and advertises items across the web through offsite advertisements.
- b) Defendant assists third parties with the creation and management of their shops and products.
- c) Defendant offers Etsy Purchase Protection for buyers, providing reimbursement to buyers for products not received or not received timely, product received as damaged, and products not matching the listing description and photos.
- d) Defendant has the authority to moderate seller content, which includes listings, messages, reviews, images, videos, and all other posted content posted. ETSY, INC.

1 retains the right to employ enforcement mechanisms on an account when its policies
2 are not followed.

3 e) Defendant has the ability to hold seller funds, deactivate a listing, restrict a listing from
4 some or all members, or suspend an account.

5 46. Third party sellers would not have the ability to reach Defendant's billions of
6 customers, including those in California, without access to the Defendant's marketplace at
7 www.etsy.com, and Defendant would not have as many business opportunities or as high profit
8 margins absent its partnership with third party sellers.

9 47. Defendant does not give customers, or private enforcers, access to the legal name,
10 physical address, or contact information for third party sellers through online platform.

11 **B. Exposure to mercury or mercury compounds is reasonably foreseeable.**

12 48. On July 1, 1990, OEHHA identified and listed "mercury and mercury compounds" as
13 chemicals known to the State of California to cause developmental toxicity, pursuant to Proposition
14 65. Mercury and mercury compounds became subject to Proposition 65's "clear and reasonable
15 warning" requirement one year later on July 1, 1991. (Health & Saf. Code, §§ 25249.8, 25249.10,
16 subd. (b); 27 Cal. Code Regs., § 27001, subd. (c).)

17 49. Mercury is broadly known to be an intentionally added ingredient in products claiming
18 skin lightening qualities.

19 50. Mercury is an effective skin lightener because it penetrates deep into the skin where it
20 interacts with cells known as melanocytes, which produce the pigment known as melanin, a chemical
21 that darkens the skin. Mercury replaces a critical enzyme in melanocyte cells, which shuts off the
22 production of melanin and causes the skin to lighten. Mercury is also a well-known, effective anti-
23 bacterial for the treatment of acne.

24 51. Generally, mercury exists in three forms: elemental mercury, inorganic mercury
25 compounds, and organic mercury. Mercury is toxic to humans in all forms. The most commonly used
26

1 active ingredient in skin lightening creams is inorganic mercury because it can be absorbed into the
2 cream readily and easily.

3 52. Californians acquire, purchase, store, consume, use, and/or dispose of skin lightening
4 creams containing mercury from third party sellers who operate product pages at www.etsy.com.

5 53. Reasonably foreseeable use of skin lightening creams containing mercury causes those
6 Californians and their household members to be exposed to mercury and mercury compounds in three
7 main routes: ingestion, inhalation, or dermal absorption.

8 54. Ingestion occurs post-application as a result of normal hand-to-mouth behavior, such as
9 eating or preparing food.

10 55. Inhalation occurs when mercury vapor off-gasses from the creams.

11 56. Dermal absorption occurs with each reasonably foreseeable application of a skin
12 lightening cream to the user's skin. Skin lightening creams that contain mercury are designed and
13 specifically marketed for direct contact with skin.

14 57. Exposure to a cream user's household members is foreseeable because use of the
15 product results in contamination of household air and surfaces, and household members come into
16 direct contact with the skin of the primary user of the cream.

17 58. Because Californians purchase skin lightening creams containing mercury through the
18 Etsy web site throughout California, exposures to mercury occur and continue to occur in residences
19 where the products are used and in locations in which the products are disposed, including on property
20 not owned or controlled by Defendant.

21 59. Each reasonably foreseeable use of skin lightening creams containing mercury—
22 whether by ingestion, inhalation, or dermal absorption—results in continuing and ongoing exposure to
23 mercury or mercury compounds because mercury has a half-life in the body of two months, and of
24 decades in the brain.

25 60. Since 1973, the Food and Drug Administration has warned against the use of mercury
26 in cosmetics, due to ease of exposure and bioaccumulation:

It is well known that mercury compounds are readily absorbed through the unbroken skin as well as through the lungs by inhalation and by intestinal absorption after ingestion. Mercury is absorbed from topical application and is accumulated in the body, giving rise to numerous adverse effects. ... Cosmetic preparations containing mercury compounds are often applied with regularity and frequency for prolonged periods. Such chronic use of mercury-containing skin-bleaching preparations has resulted in the accumulation of mercury in the body and the occurrence of severe reactions.

(21 C.F.R. § 700.13(b).)

61. The California Department of Public Health recommends that when someone has a skin lightening cream they believe contains mercury, that person should immediately dispose of the cream at a household hazardous waste facility.

C. Defendants knowingly and intentionally exposed and continue to expose Californians to skin lightening creams that contain mercury or mercury compounds.

62. Beginning at least in 2020 and continuing to present, Defendant ETSY, INC. has permitted third parties access to its online marketplace in order to sell skin lightening, whitening, and “smoothing” creams containing mercury or mercury compounds (“PRODUCTS”), including exemplars listed below in Table 1.

63. Defendants know that the PRODUCTS were sold to consumers in California.

64. Customers who purchase skin lightening creams from www.etsy.com are presumed to have used them. (*Lee v. Amazon.com, Inc.* (2022) 76 Cal.App.5th 200, 250.)

65. Each of the PRODUCTS listed in Table 1 is a multi-use product.

66. Defendants have never provided a Proposition 65 warning to any consumer who bought a PRODUCT, despite the fact that many consumers are still using, and being exposed to mercury through the use of the PRODUCTS, and Defendant’s knowledge of that fact.

Table 1: Skin Lightening, Whitening, and “Smoothing” Creams Containing Mercury or Mercury Compounds

Product Exemplars ²	Etsy Storefront ³
Deluxe Nadinola Bleaching Cream	TheDetoxClub; PureJamaicanStore; ShopVensHerbsNGrocer
Due Beauty Cream	MystiqueArtShop; WholesaleByHuma
Faiza	MystiqueArtShop; KUCHIDRESS
La Tia Mana Crema Limpiadora y Curativa	CapirotadaStore; NaturalByLLC; TruVaShopTreasures; Maydi24
Miss Key Crema Blanqueadora	OceansBeautyWellness
Jing Zhuang Jinyiqi/“Yiqi”	IGOTBEAUTYSTORE
La Magia Blanca de Michelle Marie Crema Blanqueadora	OceansBeautyWellness
Parley Beauty Cream	GoldieCosmetics; DYSHOPPINGCENTER; Tchadnatural
Shivanya Beauty Cream	Tchadnatural

67. The PRODUCTS contain mercury or mercury compounds.

68. Since at least 2020 and continuing to present, multiple health and safety agencies across the globe issued health alerts, announced investigations into, and advised consumers to beware of skin lightening products, including for the PRODUCTS, because they contain dangerously high levels of mercury or mercury compounds, including:

- a) **Deluxe Nadinola Bleaching Cream:** New York City Public Health Warning
- b) **Due Beauty Cream:** New York City Public Health Warning
- c) **Faiza:** New York City Public Health Warning; European Union Rapex Warning
- d) **La Tia Mana Crema Limpiadora y Curativa:** FDA Warning
- e) **Miss Key Crema Blanqueadora:** New York City Public Health Warning
- f) **Jing Zhuang Jinyiqi/“Yiqi”:** Minnesota Department of Health
- g) **La Magia Blanca de Michelle Marie Crema Blanqueadora:** New York City Public Health
- h) **Parley Beauty Cream:** FDA Warning
- i) **Shivanya Beauty Cream:** European Commission Safety Gate Alert

² The product names listed in Table 1 are exemplars provided to assist in identification only and are not exhaustive of possible name variations under which the PRODUCTS are or may be listed at www.etsy.com.

³ The Etsy storefront names listed in Table 1 are provided to assist in identification only and are not exhaustive of possible storefronts under which the PRODUCTS are or may be listed at www.etsy.com.

69. Defendant ETSY, INC. uses a combination of automated systems and human review by enforcement specialists to review seller items that are in violation of Defendant's policies. This review includes consideration of regulatory reports from government agencies.

70. According to public health experts, skin whitening cosmetic products likely contain mercury if (1) the product packaging is in a foreign language and does not contain an ingredient label; (2) the product is manufactured in Pakistan; (3) the product claims to whiten or bleach the skin. If these three factors are present, Defendant should either prohibit the sale of the product, require a Proposition 65 warning regarding the mercury content of the product, or test the product to confirm the presence or absence of mercury in the product line.

71. On December 22, 2023, Plaintiff sent a letter to ETSY, INC. to inform the company that several mercury-containing skin lightening products were being posted and sold on its website and such products are toxic to consumers and should not be sold in California or in the United States.

72. On January 18, 2024, and March 15, 2024, Plaintiff sent sixty-day Notices of Violation to ETSY, INC., identifying the types of products as skin-lightening, whitening, and "smoothing" creams containing 1 ppm or more of mercury or mercury compounds. These notices identified Deluxe Nadinola Bleaching Cream, Due Beauty Cream, Faiza, La Tia Mana Crema Limpiadora y Curativa, Miss Key Crema Blanqueadora, Jing Zhuang Jinyiqi/"Yiqi", La Magia Blanca de Michelle Marie Crema Blanqueadora, and Parley Beauty Cream.

73. Despite its knowledge that skin whitening creams may contain mercury or mercury compounds, ETSY, INC. has permitted, and continues to permit, third party sellers access to www.etsy.com to sell skin lightening creams that it knows contain toxic amounts of mercury to California consumers.

D. Defendants have exposed Californians to mercury and mercury compounds without providing a clear and reasonable warning to consumers.

74. Defendants have not posted any Proposition 65 warnings for mercury in skin lightening creams at issue in this case.

E. Notice of Violation

75. A true and correct copy of the January 18, 2024, Notice of Violation is attached as **Exhibit 1** to this Complaint.

76. A true and correct copy of the March 15, 2024, Notice of Violation is attached as **Exhibit 2** to this Complaint.

77. In both notices, Plaintiff warned Defendants that, as a result of its sales of skin lightening, whitening, and “smoothing” creams containing mercury or mercury compounds, purchasers and users in the State of California were being exposed to mercury resulting from consumer’s reasonably foreseeable use, without the individual purchasers and users first having been provided with a “clear and reasonable warning” regarding such toxic exposures, as required by Proposition 65.

78. The notices included, *inter alia*, the following information: the name, address, and telephone number of the noticing individual; the name of the alleged violator; the statute violated; the approximate time-period during which violations occurred; and descriptions of the violations, including the chemical involved, the routes of toxic exposure, the type of products causing the violations (“skin lightening, whitening, and ‘smoothing’ creams containing mercury or mercury compounds”), and exemplars of the PRODUCTS. Defendant ETSY, INC. and the California Attorney General were provided copies of the notices by electronic mail. Additionally, Defendants were provided with a copy of a document entitled “The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary,” which is also known as Appendix A to title 27 of California Code of Regulations section 25093.

79. The notices included a certificate of merit, executed by Plaintiff’s attorney stating that the person executing the certificate had consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed the facts, studies, or other data regarding exposure to the listed chemical that is the subject of the notices, and that, based on that information, the person executing the certificate believes there is a reasonable and meritorious case for this private

1 action. Factual information sufficient to establish the bases of the certificate of merit was attached to
 2 the certificate of merit served on the California Attorney General for the notices.

3 80. No public prosecutor has commenced and is diligently prosecuting an action against
 4 the violations at issue herein, although the notice period provided in Health and Safety Code section
 5 25249.7 has elapsed.

6 **First Cause Of Action**

7 **(Violation of Health & Saf. Code, § 25249.6)**

8 81. Plaintiff realleges and incorporates each and every allegation contained in the
 9 preceding paragraphs as though fully set forth herein.

10 82. Under Proposition 65:

11 No person in the course of doing business shall knowingly and intentionally expose
 12 any individual to a chemical known to the state to cause cancer or reproductive
 13 toxicity without first giving clear and reasonable warning to such individual, except
 as provided in section 25249.10.

14 (Health & Saf. Code, § 25249.6.)

15 83. Mercury and mercury compounds are present in the PRODUCTS in such a way as to
 16 expose individuals in California to mercury and mercury compounds.

17 84. The PRODUCTS were distributed, sold, or offered for sale in California and so require
 18 a “clear and reasonable warning” under Proposition 65.

19 85. Defendants had constructive and actual knowledge that the PRODUCTS contain
 20 mercury or mercury compounds.

21 86. Consumers are not provided with a clear and reasonable warning prior to purchase of
 22 the PRODUCTS.

23 87. Consumers are not provided with a clear and reasonable warning prior to use of the
 24 PRODUCTS.

25 88. In the course of its business, Defendant ETSY, INC. makes possible and intends for
 26 third parties to sell the PRODUCTS to California consumers.

96. To date, although at least some of the PRODUCTS remain in use, Defendants have failed and continue to fail to provide a clear and reasonable warning as required by Health and Safety Code section 25249.6 to users of the PRODUCTS.

97. As a direct result of Defendants' acts and omissions, the general public in California has been regularly, unlawfully, and involuntarily exposed to mercury and mercury compounds, which are known to the State of California to be developmental toxins.

98. Under Health and Safety Code section 25249.7, subdivision (b), this Court has authority to assess against Defendants a maximum civil penalty not to exceed \$2,500 per day for each violation of Proposition 65 that has occurred and continues to occur.

99. Under Health and Safety Code section 25249.7, subdivision (a) this Court is authorized to enjoin Defendants to comply with Proposition 65 now and at all times in the future.

Third Cause of Action
(Violation of Bus. & Prof. Code, § 17200 *et seq.*)

100. Plaintiff realleges and incorporates each and every allegation contained in the preceding paragraphs as though fully set forth herein.

101. Defendants have engaged in and continue to engage in business practices that constitute unfair competition as defined in California Business & Professions Code section 17200 *et seq.*

102. Defendants have violated and continue to violate the UCL through unlawful business acts and practices.

103. Defendants have violated and continue to violate the UCL through their unlawful business acts and practices in that these acts and practices violate Proposition 65.

104. Defendants have violated and continue to violate the UCL through their unlawful business acts and practices in that these acts and practices violate California's Sherman Food, Drug and Cosmetic Law (Sherman Law). The Sherman Law imposes criminal liability without fault,

1 reflecting the public policy of protecting the public from dangerous products placed on the market,
2 irrespective of negligence in their manufacture.

3 105. Under the Sherman Law, it is unlawful for any individual or entity to "receive in
4 commerce" or "proffer for delivery" a misbranded cosmetic; "receive in commerce," "proffer for
5 delivery" or "offer for sale" any cosmetic that is adulterated; "deliver, hold, or offer for sale any drug
6 or device that is misbranded"; "receive in commerce any drug or device that is misbranded or to
7 deliver or proffer for delivery" such a drug.

8 106. Under the Sherman Law, a skin-lightening cream is classified as a "drug" because it is
9 "used or intended to affect the structure or any function of the body of human beings or any other
10 animal." (Health & Saf. Code, § 109925.) It is also a "cosmetic" because it is "intended to be rubbed,
11 . . . or otherwise applied to, the human body, or any part of the human body, for cleansing, beautifying,
12 promoting attractiveness, or altering the appearance." (Health & Saf. Code § 109900.)

13 107. Skin lightening products that contain mercury or mercury compounds are considered
14 adulterated and/or misbranded drugs and cosmetics.

15 108. Third party sellers utilize www.etsy.com to sell skin lightening, whitening, and
16 "smoothing" creams containing mercury or mercury compounds, including the exemplars listed above
17 in Table 1. In so doing, they receive in commerce, proffer for delivery, deliver, hold, offer for sale,
18 and sell drugs and cosmetics that are adulterated and/or misbranded.

19 109. Defendant ETSY, INC. is strictly liable for aiding and abetting third party sellers in
20 furthering these transactions as forbidden by the Sherman Act.

21 110. In violation of the UCL, Defendants are avoiding the full economic cost of
22 responsibility by neglecting to do conventional due diligence that would be required of any other
23 commercial actor involved in the sale and delivery of drugs and cosmetics regulated under the
24 Sherman Law.

25 111. Defendants have violated the UCL's provisions at Section 17500 *et seq.* regarding false
26 advertising in that Defendants have publicly disseminated untrue or misleading statements and
27

1 advertising regarding the safety of the PRODUCTS sold on the website, www.etsy.com. Defendants
 2 knew, or in the exercise of reasonable care should have known, that these statements and advertising
 3 were untrue or misleading.

4 112. As a direct and proximate result of Defendants' violation of the UCL, Plaintiff suffered
 5 injury in fact because they were forced to divert limited organizational resources away from their core
 6 mission and have incurred significant costs associated with investigating and communicating with
 7 Defendants.

8 113. As a direct and proximate result of Defendants' violation of the UCL, important public
 9 interest rights have been harmed.

10 **Prayer For Relief**

11 114. WHEREFORE, Plaintiff prays the Court:

12 A. Grant civil penalties pursuant to Health and Safety Code section 25249.7,
 13 subdivision (b)(1) against Defendants in the amount of up to \$2,500 per day for each violation;

14 B. Enter such injunctions or other orders as are necessary pursuant to Health and
 15 Safety Code section 25249.7, subdivision (a) to prevent Defendants from exposing persons within the
 16 state of California to the developmental toxins mercury and mercury compounds caused by the
 17 reasonably foreseeable use of the PRODUCTS without providing clear and reasonable warnings;

18 C. Enter such injunctions or other orders as are necessary pursuant to Business and
 19 Profession Code section 17200 et seq. to prevent Defendants from exposing persons within the state
 20 of California to mercury and mercury compounds caused by the reasonably foreseeable use of the
 21 PRODUCTS;

22 D. Award Plaintiff reasonable attorneys' fees and costs pursuant to Code of Civil
 23 Procedure, section 1021.5 and as otherwise appropriate; and

24 E. Grant such other and further relief as may be just and proper.

Respectfully Submitted,

Dated: June 6, 2024

GREENFIRE LAW, PC

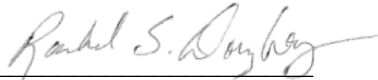
By: 
Rachel Doughty
Attorney for Plaintiff
AS YOU SOW

Exhibit 1



RACHEL S. DOUGHTY
2748 Adeline Street, Suite A
Berkeley, CA 94703
Phone: (510) 900-9502, ext. 706
Email: rdoughty@greenfirelaw.com
www.greenfirelaw.com

January 18, 2024

By Electronic Mail and U.S. Mail

Etsy, Inc.
ATTN: Josh Silverman, CEO
jsilverman@etsy.com

ATTN: Colin Stretch, Chief Legal Officer
cstretch@etsy.com
117 Adams St
Brooklyn, NY 11202

ATTN: Etsy Regulatory Request for Regulators or Government Officials
regulatory-intake@etsy.com

RE: 60-Day Notice of Violation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) & Demand for Supply Chain Identification

Dear Mr. Silverman and Mr. Stretch:

This firm represents As You Sow (“Noticing Party”) in connection with this notice of violations of California’s Safe Drinking Water and Toxic Enforcement Act of 1986, which is codified at California Health & Safety Code section 25249.5, et seq. (“Proposition 65”). As You Sow is a non-profit organization working to create a safe, just, and sustainable world in which protecting the environment and human rights is central to corporate decision making.

This letter constitutes notice to the addressee that they have violated and continue to violate provisions of Proposition 65 and its implementing regulations. Specifically, the Alleged Violator—Etsy, Inc. (“Violator”)—to which this letter is addressed has violated and continues to violate the warning requirement at section 25249.6 of the California Health & Safety Code, which provides, “No person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual[.]”

Pursuant to California Health & Safety Code section 25249.7, subdivision (d), the Noticing Party, as defined in that section, intends to bring an enforcement action against the Violator sixty (60) days after effective service of this notice unless the public enforcement agencies listed in the attached Certificate of Service have commenced and are diligently prosecuting an action to rectify these violations. A summary of Proposition 65 and its implementing regulations, prepared by the Office of Environmental Health Hazard Assessment, the lead agency designated under

Proposition 65 Notice

January 18, 2024

Proposition 65, is enclosed with the copy of this notice served to the Violator. The specific details of the violations that are the subject of this Notice are provided below.

Description of Violations

The Violator has contravened the warning requirement at section 25249.6 of the California Health and Safety Code, which provides, “[no] person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving a clear and reasonable warning to such individual.” Violators have manufactured, produced, packaged, imported, supplied, distributed, sold or otherwise provided the consumer products containing mercury listed below directly to consumers through the Violator’s website without providing the clear and reasonable warnings required by Proposition 65 and its implementing regulations, dating at least as far back as January 2, 2023, and continuing each day through the present.

- Time Period of Exposure: The violations have been occurring since at least January 2, 2023, and are continuing to this day.
- Provision of Proposition 65 Implicated: This Notice of Violation covers the “warning provision” of Proposition 65, which is found at California Health and Safety Code, section 25249.6, and its implementing regulations.
- Chemical Involved: The listed chemical involved in this notice of violation is mercury and mercury compounds. This chemical is recognized by the State of California as a developmental toxin. Exposure to mercury or mercury compounds occurs through ingestion, inhalation, and dermal absorption when skin-lightening creams, sold on Etsy.com’s website, are applied.
- Types of Products: The specific types of products causing the violations are skin-lightening, whitening, and “smoothing” creams containing 1 ppm or more mercury or mercury compounds, including but not limited to those products specifically listed below in **Table 1**.

Table 1

Product	Etsy Storefront¹
Aneeza Gold Beauty Face Cream	NaturalSkincarStudio
Aneeza Gold Beauty Face Cream	OkinArewa
Aneeza Gold Beauty Face Cream	PetsUniqueBeautyCent
BeBe Special Cream	Apsarabazaars
Carotone	Hayveen
Carotone	Mama23store
Carotone	perfectobeaucouk
Carotone	QueenikWealth
CCM	Apsarabazaars
CCM Perfect 365 White Cream	Apsarabazaars

¹ The Notice covers all skin-lightening, whitening, and “smoothing” creams containing mercury or mercury compounds, including those products listed in Table 1, whether or not sold at the storefront listed. The Storefront is provided as a courtesy so that Etsy.com can more efficiently locate and remove dangerous products from its website.

Chandni Whitening Cream	Diamonds Group
Crema la Milagrosa	Bulkmayoreo99
Crema la Milagrosa	NATURALbyLLC
Deluxe Nadinola Bleaching Cream	TheDetoxClub
Due Beauty Cream	MystiqueArtShop
Due Beauty Cream	WholesaleByHuma
Faiza	BeautyShopIndia
Faiza	Nova Jewels Art
Faiza	Creations4all786
Faiza	Cosmeticss4All
Faiza	DiamondsGroup
Faiza	iMinoosh
Faiza	KUCHIDRESS
Faiza	MystiqueArtShop
Faiza	WeddingbyASRBoutique
Faiza	WholesaleByHuma
Face Fresh Beauty Cream	IMinoosh
Face Fresh Beauty Cream	BeautyShopIndia
Goree Day Avocado and Aloe vera	IMinoosh
Goree Day and Night Whitening Cream	Nova Jewels Art
Goree Day and Night Whitening Cream	OverseasTrend
Goree Day and Night Whitening Cream	ObserverFinds
Goree Day and Night Whitening Cream	PariAfghanShop
Goree Day and Night Whitening Cream	PakistanShop2023
La Tia Mana Crema Limpiadora y Curativa	La Tia Mana
Miss Key Crema Blanqueadora	OceansBeautyWellness
Nunn Care	BotanicaMexicana
Nunn Care	bulkmayoreo99
Nunn Care	GiftofHealthByPaul
Nunn Care	Menwomengiftshop
Nunn Care	Naturallylifee
Nunn Care	NATURALbyLLC
Nunn Care	TruVaShopTreasures
Nunn Care	Wellnessrootsstore

Nunn Care	YadyTreasures
Snow White Armpit Whitening Underarm Cream	ShopSheida

Description of Exposures: This Notice addresses consumer product exposures to mercury and mercury compounds resulting from the acquisition, purchase, storage, consumption, or reasonably foreseeable use of cosmetics used to lighten, whiten, or “smooth” skin. Mercury is an additive or active ingredient in such cosmetics. Use of the items listed above in Table 1, as well as other items containing mercury as an active ingredient, results in human exposures to mercury.² Mercury exposure occurs in three main routes: ingestion, inhalation, or dermal absorption. Ingestion may occur post-application due to insufficient hand washing prior to eating or preparing food or touching of the mouth. Inhalation may occur due to the significant amount of mercury vapor produced by use of these creams, which can affect all household members. Dermal absorption may occur as these products are designed and specifically marketed for direct contact with skin. These exposures occur in residences throughout California where the products are used. No clear and reasonable warning is provided with these products regarding the developmental toxicity of using these products or specifically of mercury.

Pursuant to California Code of Regulations, title 11, section 3100, a Certificate of Merit is attached.³

Lack of Non-English Warning

A number of the products listed in Table 1 include non-English labeling. Those products additionally violate California Code of Regulations, title 27, section 25602, subdivision (b), for failing to carry warnings in the non-English language on the label.

Resolution of Claims Being Noticed

Based on the allegations set forth in this Notice, the Noticing Party intends to file a citizen enforcement lawsuit against the Violator unless it agrees to remedy the violations set forth above. If the Violator is interested in resolving this dispute without resort to expensive and time-consuming litigation, please contact the Noticing Party through its counsel identified below.

Preservation of Relevant Evidence

This Notice also serves as a demand that the Violator preserve and maintain all relevant evidence, including all electronic documents and data, pending resolution of this matter. Such relevant evidence includes but is not limited to all documents relating to mercury released from or during the storage, shipment, and use of skin lightening creams; purchases and sales information for such products; communications with any person relating to actual or potential exposures to mercury from the use of such products; representative exemplars of each unit of any of the brands listed above in Table 1 sold since January 2022; the content of internet displays for the products causing the violations; and all communications regarding the alleged violations.

² These products are also illegal adulterated cosmetics sold in violation of FDA regulations. (See 21 C.F.R. § 700.13(d)), and California’s Sherman Act.

³ A second copy of the entire notice and Certificate of Merit is served on the Attorney General, clearly marked “Attorney General Copy: Contains Official Information Pursuant to Evidence Code Section 1040” with all supporting documentation required by 11 Cal. Code Regs., § 3102 attached thereto.

Parties

This Notice is provided on behalf of the following organization:

As You Sow
Responsible Individual: Danielle Fugere
Main Post Office
As You Sow
PO Box 751
Berkeley, CA 94701
(510) 735-8158

The Noticing Parties can be contacted through counsel as identified below:

Rachel Doughty
Greenfire Law, PC
2748 Adeline Street, Suite A
Berkeley, CA 94703
(510) 900-9502
rdoughty@greenfirelaw.com

Demand for Supply Chain Contacts

Pursuant to California Code of Regulations title 27, article 6, section 25600.2, subdivision (g) you must promptly provide As You Sow (through its counsel) with the names and contact information for each of the manufacturers, producers, packagers, importers, suppliers, and distributors of each of the products listed above in Table 1. **We expect to receive this information within a week.**

Sincerely,



Rachel S. Doughty
Greenfire Law, PC

Attachments:

Certificate of Merit (All Recipients)

Certificate of Merit Support (Attorney General only)

Certificate of Service (All Recipients)

The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary (“Summary”)
(Noticed Party Only)

Certificate of Merit

California Health & Safety Code Section 25249.7, Subdivision (d)

I, Rachel Doughty, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged the parties identified in the notices have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.
2. I am the attorney for the noticing party.
3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the exposure to the listed chemical that is the subject of the action.
4. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiff's case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.
5. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and Safety Code section 25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: January 18, 2024

Greenfire Law, PC

By:



Rachel Doughty

Exhibit 2



RACHEL S. DOUGHTY
2748 Adeline Street, Suite A
Berkeley, CA 94703
Phone: (510) 900-9502, ext. 706
Email: rdoughty@greenfirelaw.com
www.greenfirelaw.com

March 15, 2024

By Electronic Mail and U.S. Mail

Etsy, Inc.
117 Adams St
Brooklyn, NY 11202
ATTN: Josh Silverman, CEO
jsilverman@etsy.com
ATTN: Colin Stretch, Chief Legal Officer
cstretch@etsy.com
ATTN: Etsy Regulatory Request for Regulators or Government Officials
regulatory-intake@etsy.com

Maria Villaseñor
dba Capirotada Store
3721 S. 6000 W.
W. Valley City, UT 84128

Sherley Sajous
Registered Agent for
Oceans Beauty & Wellness LLC
573 NW 101 St
Miami, FL 33150
sajous85@gmail.com

RE: 60-Day Notice of Violation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) & Demand for Supply Chain Identification

Dear Mr. Silverman and Mr. Stretch, et.al:

This firm represents As You Sow (“Noticing Party”) in connection with this notice of violations of California’s Safe Drinking Water and Toxic Enforcement Act of 1986, which is codified at California Health & Safety Code section 25249.5, et seq. (“Proposition 65”). As You Sow is a non-profit organization working to create a safe, just, and sustainable world in which protecting the environment and human rights is central to corporate decision making.

This letter constitutes notice to the addressees that they have violated and continue to violate provisions of Proposition 65 and its implementing regulations. Specifically, the alleged Violators to which this letter is addressed have violated and continue to violate the warning requirement at section 25249.6 of the California Health & Safety Code, which provides, “No person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual[.]”

As to Etsy, Inc., this letter serves as a supplemental 60-Day Notice and does not replace the January 18, 2024 60-Day Notice sent to Etsy, Inc.

Pursuant to California Health & Safety Code section 25249.7, subdivision (d), the Noticing Party, as defined in that section, intends to bring an enforcement action against the Violators sixty (60) days after effective service of this notice unless the public enforcement agencies listed in the attached Certificate of Service have commenced and are diligently prosecuting an action to rectify these violations. A summary of Proposition 65 and its implementing regulations, prepared by the Office of Environmental Health Hazard Assessment, the lead agency designated under Proposition 65, is enclosed with the copy of this notice served to the Violators. The specific details of the violations that are the subject of this Notice are provided below.

Description of Violations

The Violators have contravened the warning requirement at section 25249.6 of the California Health and Safety Code, which provides, “[no] person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving a clear and reasonable warning to such individual.” Violators have manufactured, produced, packaged, imported, supplied, distributed, sold or otherwise provided the consumer products containing mercury listed below directly to consumers through Etsy.com’s website without providing the clear and reasonable warnings required by Proposition 65 and its implementing regulations, dating at least as far back as January 2, 2023, and continuing each day through the present.

- Time Period of Exposure: The violations have been occurring since at least January 2, 2023 and are continuing to this day.
- Provision of Proposition 65 Implicated: This Notice of Violation covers the “warning provision” of Proposition 65, which is found at California Health and Safety Code, section 25249.6, and its implementing regulations.
- Chemical Involved: The listed chemical involved in this notice of violation is mercury and mercury compounds. This chemical is recognized by the State of California as a developmental toxin. Exposure to mercury or mercury compounds occurs through ingestion, inhalation, and dermal absorption when skin-lightening creams, sold on Etsy.com’s website, are applied.
- Types of Products: The specific types of products causing the violations are skin-lightening, whitening, and “smoothing” creams containing 1 ppm or more mercury or mercury compounds, including but not limited to those products specifically listed below in **Table 1**.

Table 1

Product	Thumbnail of Product	Etsy Storefront ¹	Parties Noticed
Deluxe Nadinola Bleaching Cream		PureJamaicanStore	Etsy, Inc.
Jing Zhuang Jinyiqi (“Yiqi”)		IGOTBEAUTYSTORE	Etsy, Inc.
La Tia Mana Crema		NaturalByLLC	Etsy, Inc.
La Tia Mana Crema		CapirotadaStore	Etsy, Inc. Maria Villaseñor dba Capirotada Store
La Tia Mana Crema		TruVaShopTreasures	Etsy, Inc.
Magia Blanca de Michelle Marie Crema Blanqueadora		OceansBeautyWellness	Etsy, Inc. Oceans Beauty & Wellness LLC
Miss Key Crema Blanqueadora		OceansBeautyWellness	Etsy, Inc. Oceans Beauty & Wellness LLC
Parley Beauty Cream		GoldieCosmetics	Etsy, Inc.
Parley Beauty Cream		DYSHOPPINGCENTER	Etsy, Inc.

¹ This Supplemental Notice covers all skin-lightening, whitening, and “smoothing” creams containing mercury or mercury compounds, including those products listed in Table 1, whether or not sold presently at the storefront listed.

- **Description of Exposures:** This Notice addresses consumer product exposures to mercury and mercury compounds resulting from the acquisition, purchase, storage, consumption, or reasonably foreseeable use of cosmetics used to lighten, whiten, or “smooth” skin. Mercury is an additive or active ingredient in such cosmetics. Use of the items listed above in Table 1, as well as other items containing mercury as an active ingredient, results in human exposures to mercury.² Mercury exposure occurs in three main routes: ingestion, inhalation, or dermal absorption. Ingestion may occur post-application due to insufficient hand washing prior to eating or preparing food or touching of the mouth. Inhalation may occur due to the significant amount of mercury vapor produced by use of these creams, which can affect all household members. Dermal absorption may occur as these products are designed and specifically marketed for direct contact with skin. These exposures occur in residences throughout California where the products are used. No clear and reasonable warning is provided with these products regarding the developmental toxicity of using these products or specifically of mercury.

Pursuant to California Code of Regulations, title 11, section 3100, a Certificate of Merit is attached.³

Resolution of Claims Being Noticed

Based on the allegations set forth in this Notice, the Noticing Party intends to file a citizen enforcement lawsuit against the Violator unless it agrees to remedy the violations set forth above. If the Violator is interested in resolving this dispute without resort to expensive and time-consuming litigation, please contact the Noticing Party through its counsel identified below.

Preservation of Relevant Evidence

This Notice also serves as a demand that the Violator preserve and maintain all relevant evidence, including all electronic documents and data, pending resolution of this matter. Such relevant evidence includes but is not limited to all documents relating to mercury released from or during the storage, shipment, and use of skin lightening creams; purchases and sales information for such products; communications with any person relating to actual or potential exposures to mercury from the use of such products; representative exemplars of each unit of any of the brands listed above in Table 1 sold since January 2022; the content of internet displays for the products causing the violations; and all communications regarding the alleged violations.

Parties

This Notice is provided on behalf of the following person and organization:

As You Sow
2201 Broadway
Oakland, CA 94612
(510) 735-8158

² These products are also illegal adulterated cosmetics sold in violation of FDA regulations (see 21 C.F.R. § 700.13(d)), and California’s Sherman Act.

³ A second copy of the entire notice and Certificate of Merit is served on the Attorney General, clearly marked “Attorney General Copy: Contains Official Information Pursuant to Evidence Code Section 1040” with all supporting documentation required by 11 Cal. Code Regs., § 3102 attached thereto.

Page 5 of 6
Proposition 65 Notice
March 15, 2024

The Noticing Parties can be contacted through counsel as identified below:

Rachel Doughty
Greenfire Law, PC
2748 Adeline Street, Suite A
Berkeley, CA 94703
(510) 900-9502
rdoughty@greenfirelaw.com

Demand for Supply Chain Contacts

Pursuant to California Code of Regulations title 27, article 6, section 25600.2, subdivision (g) you must promptly provide As You Sow (through its counsel) with the names and contact information for each of the manufacturers, producers, packagers, importers, suppliers, and distributors of each of the products listed above in Table 1. **We expect to receive this information within a week.**

Sincerely,



Rachel S. Doughty
Greenfire Law, PC

Attachments:

Certificate of Merit (All Recipients)

Certificate of Merit Support (Attorney General only)

Certificate of Service (All Recipients)

The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary (“Summary”)
(Noticed Parties Only)

Certificate of Merit

California Health & Safety Code Section 25249.7, Subdivision (d)

I, Rachel Doughty, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged the parties identified in the notices have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.
2. I am the attorney for the noticing party.
3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the exposure to the listed chemical that is the subject of the action.
4. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiff's case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.
5. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and Safety Code section 25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: March 15, 2024

Greenfire Law, PC

By:



Rachel Doughty

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Rachel S. Doughty (CSB 255904), Jennifer Rae Lovko (CSB 208855) 2748 Adeline Street, Suite A Berkeley, CA 94703 TELEPHONE NO.: (510) 900-9502 FAX NO.: (510) 900-9502 EMAIL ADDRESS: rdoughty@greenfirelaw.com, rlovko@greenfirelaw.com ATTORNEY FOR (Name): As You Sow, a 510(c) non-profit corporation	FOR COURT USE ONLY ELECTRONICALLY FILED Superior Court of California, County of Alameda 06/07/2024 at 02:04:24 PM By: Damaree Franklin, Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA STREET ADDRESS: 1225 Fallon St. MAILING ADDRESS: 1225 Fallon St. CITY AND ZIP CODE: Oakland, CA 94612 BRANCH NAME: Rene C. Davidson Courthouse	CASE NUMBER: <div style="font-size: 1.2em; font-weight: bold; border: 1px solid black; padding: 2px; display: inline-block;">24CV078868</div>
CASE NAME: As You Sow, a 501(c)(3) non-profit corporation v. Etsy, Inc. and DOES 1-20, inclusive	JUDGE: DEPT.:

Items 1–6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:		
Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input checked="" type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (<i>not specified above</i>) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (<i>not specified above</i>) (43)

2. This case ☒ is ☐ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|---|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input checked="" type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input checked="" type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (*check all that apply*): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (*specify*):
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (*You may use form CM-015.*)
- Date: 06/07/2024

Rachel S. Doughty
(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET**CM-010**

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES**Auto Tort**

Auto (22)–Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death

Product Liability (*not asbestos or toxic/environmental*) (24)

Medical Malpractice (45)

Medical Malpractice–Physicians & Surgeons

Other Professional Health Care Malpractice

Other PI/PD/WD (23)

Premises Liability (e.g., slip and fall)

Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)

Intentional Infliction of Emotional Distress

Negligent Infliction of Emotional Distress

Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)

Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)

Defamation (e.g., slander, libel) (13)

Fraud (16)

Intellectual Property (19)

Professional Negligence (25)

Legal Malpractice

Other Professional Malpractice (*not medical or legal*)

Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)

Other Employment (15)

Contract

Breach of Contract/Warranty (06)

Breach of Rental/Lease

Contract (*not unlawful detainer or wrongful eviction*)

Contract/Warranty Breach–Seller

Plaintiff (*not fraud or negligence*)

Negligent Breach of Contract/Warranty

Other Breach of Contract/Warranty

Collections (e.g., money owed, open

book accounts) (09)

Collection Case–Seller Plaintiff

Other Promissory Note/Collections Case

Insurance Coverage (*not provisionally*

complex) (18)

Auto Subrogation

Other Coverage

Other Contract (37)

Contractual Fraud

Other Contract Dispute

Real Property

Eminent Domain/Inverse

Condemnation (14)

Wrongful Eviction (33)

Other Real Property (e.g., quiet title) (26)

Writ of Possession of Real Property

Mortgage Foreclosure

Quiet Title

Other Real Property (*not eminent*

domain, landlord/tenant, or

foreclosure)

Unlawful Detainer

Commercial (31)

Residential (32)

Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)

Petition Re: Arbitration Award (11)

Writ of Mandate (02)

Writ–Administrative Mandamus

Writ–Mandamus on Limited Court

Case Matter

Writ–Other Limited Court Case Review

Other Judicial Review (39)

Review of Health Officer Order

Notice of Appeal–Labor Commissioner

Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)

Construction Defect (10)

Claims Involving Mass Tort (40)

Securities Litigation (28)

Environmental/Toxic Tort (30)

Insurance Coverage Claims

(*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)

Abstract of Judgment (Out of County)

Confession of Judgment (*non-domestic relations*)

Sister State Judgment

Administrative Agency Award

(*not unpaid taxes*)

Petition/Certification of Entry of

Judgment on Unpaid Taxes

Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)

Other Complaint (*not specified above*) (42)

Declaratory Relief Only

Injunctive Relief Only (*non-harassment*)

Mechanics Lien

Other Commercial Complaint

Case (*non-tort/non-complex*)

Other Civil Complaint

(*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate

Governance (21)

Other Petition (*not specified above*) (43)

Civil Harassment

Workplace Violence

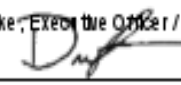
Elder/Dependent Adult Abuse

Election Contest

Petition for Name Change

Petition for Relief From Late Claim

Other Civil Petition

SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA		Reserved for Clerk's File Stamp FILED Superior Court of California County of Alameda 06/07/2024 Clad Filke, Exec. Officer/Clerk of the Court By:  Deputy D. Franklin
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse Administration Building, 1221 Oak Street, Oakland, CA 94612		
PLAINTIFF: As You Sow, a 501(c)(3) non-profit corporation		
DEFENDANT: Etsy, Inc. et al		
NOTICE OF CASE MANAGEMENT CONFERENCE		CASE NUMBER: 24CV078868

TO THE PLAINTIFF(S)/ATTORNEY(S) FOR PLAINTIFF(S) OF RECORD:

You are ordered to serve all named defendants and file proofs of service on those defendants with the court within 60 days of the filing of the complaint (Cal. Rules of Court, 3.110(b)).

Give notice of this conference to all other parties and file proof of service.

Your Case Management Conference has been scheduled on:

Date: 10/07/2024	Time: 8:30 AM	Dept.: 21
Location: Rene C. Davidson Courthouse Administration Building, 1221 Oak Street, Oakland, CA 94612		

TO DEFENDANT(S)/ATTORNEY(S) FOR DEFENDANT(S) OF RECORD:

The setting of the Case Management Conference does not exempt the defendant from filing a responsive pleading as required by law, you must respond as stated on the summons.

TO ALL PARTIES who have appeared before the date of the conference must:

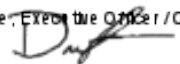
Pursuant to California Rules of Court, 3.725, a completed Case Management Statement (Judicial Council form CM-110) must be filed and served at least 15 calendar days before the Case Management Conference. The Case Management Statement may be filed jointly by all parties/attorneys of record or individually by each party/attorney of record.

Meet and confer, in person or by telephone as required by Cal. Rules of Court, rule 3.724.

Post jury fees as required by Code of Civil Procedure section 631.

If you do not follow the orders above, the court may issue an order to show cause why you should not be sanctioned under Cal. Rules of Court, rule 2.30. Sanctions may include monetary sanctions, striking pleadings or dismissal of the action.

The judge may place a Tentative Case Management Order in your case's on-line register of actions before the conference. This order may establish a discovery schedule, set a trial date or refer the case to Alternate Dispute Resolution, such as mediation or arbitration. Check the court's eCourt Public Portal for each assigned department's procedures regarding tentative case management orders at <https://eportal.alameda.courts.ca.gov>.

<p align="center">SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA</p>	<p align="center">Reserved for Clerk's File Stamp</p>
<p>COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612</p>	<p align="center">FILED Superior Court of California County of Alameda 06/07/2024</p>
<p>PLAINTIFF/PETITIONER: As You Sow, a 501(c)(3) non-profit corporation</p>	<p>Chad Finke, Executive Officer / Clerk of the Court By:  Deputy</p>
<p>DEFENDANT/RESPONDENT: Etsy, Inc. et al</p>	<p align="center">D. Franklin</p>
<p align="center">CERTIFICATE OF MAILING</p>	<p>CASE NUMBER: 24CV078868</p>

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the attached document upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Oakland, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Rachel Doughty
Greenfire Law, PC
2748 Adeline Street, Suite A
Berkeley, CA 94703

Chad Finke, Executive Officer / Clerk of the Court

Dated: 06/07/2024

By:



D. Franklin, Deputy Clerk

CERTIFICATE OF MAILING

SUM-100

SUMMONS

(CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

ETSY, INC. and DOES 1-20, inclusive

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

AS YOU SOW, a 501(c)(3) non-profit corporation

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)ELECTRONICALLY FILED
Superior Court of California
County of Alameda
06/07/2024Chad Finke, Executive Officer / Clerk of the Court
By: D. Franklin Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): Rene C. Davidson Courthouse

Rene C. Davidson Courthouse 1225 Fallon St, Oakland, CA 94612

CASE NUMBER:
(Número del Caso):
24CV078868

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Rachel S. Doughty (CSB 255904), Greenfire Law, PC., 2748 Adeline St., Suite A, Berkeley, CA 94703, (510) 900-9502

DATE: 06/07/2024
(Fecha)Clerk, by
(Secretario) Chad Finke, Executive Officer / Clerk of the CourtD. Franklin, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]



NOTICE TO THE PERSON SERVED: You are served

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):
- ☒ on behalf of (specify):
under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):
- ☐ by personal delivery on (date):

Page 1 of 1

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Rachel S. Doughty (CSB 255904), Jennifer Rae Lovko (CSB 208855) 2748 Adeline Street, Suite A Berkeley, CA, 94703 TELEPHONE NO.: 510-900-9502 FAX NO. (Optional): 510-900-9502 EMAIL ADDRESS (Optional): rdoughty@greenfirelaw.com, rlovko@greenfirelaw.com ATTORNEY FOR (Name): As Yous Sow, a 510(c) non-profit corporation	FOR COURT USE ONLY ELECTRONICALLY FILED Superior Court of California, County of Alameda 06/11/2024 at 11:06:46 AM By: Anthony Zapotoczny, Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA STREET ADDRESS: 1225 Fallon St. MAILING ADDRESS: 1225 Fallon St. CITY AND ZIP CODE: Oakland, CA 94612 BRANCH NAME: Rene C. Davidson Courthouse	
PLAINTIFF/PETITIONER: As You Sow, a 501(c)(3) non-profit corporation DEFENDANT/RESPONDENT: Etsy, Inc. and DOES 1-20, inclusive	CASE NUMBER: 24CV078868 JUDICIAL OFFICER: Hon. Noel Wise
NOTICE OF RELATED CASE	DEPT.: 21

Identify, in chronological order according to date of filing, all cases related to the case referenced above.

1. a. Title: As You Sow, a 501(c)(3) non-profit corporation v. Etsy, Inc.
- b. Case number: 24CV068179
- c. Court: ☒ same as above
☐ other state or federal court (name and address):
- d. Department:
- e. Case type: ☐ limited civil ☒ unlimited civil ☐ probate ☐ family law ☐ other (specify):
- f. Filing date: 3/18/2024
- g. Has this case been designated or determined as "complex?" ☒ Yes ☐ No
- h. Relationship of this case to the case referenced above (check all that apply):
 - ☒ involves the same parties and is based on the same or similar claims.
 - ☐ arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
 - ☐ involves claims against, title to, possession of, or damages to the same property.
 - ☐ is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
 - ☐ Additional explanation is attached in attachment 1h
- i. Status of case:
 - ☐ pending
 - ☒ dismissed ☐ with ☒ without prejudice
 - ☐ disposed of by judgment
2. a. Title:
- b. Case number:
- c. Court: ☐ same as above
☐ other state or federal court (name and address):
- d. Department:

PLAINTIFF/PETITIONER: As You Sow, a 501(c)(3) non-profit corporation DEFENDANT/RESPONDENT: Etsy, Inc. and DOES 1-20, inclusive	CASE NUMBER: 24CV078868
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2. (continued)

- e. Case type: ☐ limited civil ☐ unlimited civil ☐ probate ☐ family law ☐ other (specify):
- f. Filing date:
- g. Has this case been designated or determined as "complex?" ☐ Yes ☐ No
- h. Relationship of this case to the case referenced above (check all that apply):
- ☐ involves the same parties and is based on the same or similar claims.
- ☐ arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
- ☐ involves claims against, title to, possession of, or damages to the same property.
- ☐ is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
- ☐ Additional explanation is attached in attachment 2h
- i. Status of case:
- ☐ pending
- ☐ dismissed ☐ with ☐ without prejudice
- ☐ disposed of by judgment

3. a. Title:

b. Case number:

- c. Court: ☐ same as above
☐ other state or federal court (name and address):

d. Department:

- e. Case type: ☐ limited civil ☐ unlimited civil ☐ probate ☐ family law ☐ other (specify):
- f. Filing date:
- g. Has this case been designated or determined as "complex?" ☐ Yes ☐ No
- h. Relationship of this case to the case referenced above (check all that apply):
- ☐ involves the same parties and is based on the same or similar claims.
- ☐ arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
- ☐ involves claims against, title to, possession of, or damages to the same property.
- ☐ is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
- ☐ Additional explanation is attached in attachment 3h
- i. Status of case:
- ☐ pending
- ☐ dismissed ☐ with ☐ without prejudice
- ☐ disposed of by judgment

4. ☐ Additional related cases are described in Attachment 4. Number of pages attached: _____Date: 06/07/2024

Rachel S. Doughty

(TYPE OR PRINT NAME OF PARTY OR ATTORNEY)

(SIGNATURE OF PARTY OR ATTORNEY)

Rachel S. Doughty, Cal. Bar No. 255904
Rae Lovko, Cal. Bar No. 208855
GREENFIRE LAW, PC
2748 Adeline St., Suite A
Berkeley, CA 94703
Tel: (510) 900-9502
Fax: (510) 900-9502
Email: rdoughty@greenfirelaw.com
rlovko@greenfirelaw.com

Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA

As You Sow, a 510 (c)(3) non-profit
corporation,

Plaintiff,

v.

Etsy, Inc., and DOES 1-20, inclusive,

Defendants,

Case No. 24CV078868

Assigned for all purposes to:
Hon. Hon. Noël Wise, Department 21

PROOF OF SERVICE

PROOF OF SERVICE

I am employed in the County of Alameda. My business address is 2748 Adeline Street, Suite A, Berkeley, California 94703. I am over the age of 18 years and not a party to the above-entitled action. Document(s) served:

• **Notice of Related Case**

On June 11, 2024, I served the foregoing document(s) on the parties in this action, located on the attached service list as designated below:

- | | | |
|-----|------------------------------------|--|
| () | <u>By First Class Mail:</u> | Deposited the above documents in a sealed envelope with the United States Postal Service, with the postage fully paid. |
| () | <u>By Personal Service:</u> | I personally delivered each in a sealed envelope to the office of the address on the date last written below. |
| () | <u>By Overnight Mail:</u> | I caused each to be placed in a sealed envelope and placed the same in a box or other facility regularly maintained by the express service carrier, or delivered to an authorized courier or driver authorized by the express service carrier to receive documents, in an envelope or package designated by the express service carrier with delivery fees paid or provided for. |
| (x) | <u>By Electronic Transmission:</u> | Based on an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the e-mail addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful. |

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on June 11, 2024, in Berkeley, California.



Jessica San Luis

SERVICE LIST

Nicholas J. Hoffman
Joseph T. Rezabek
McGuireWoods LLP
Wells Fargo Center
South Tower
355 S. Grand Ave, Ste 4200
Los Angeles, CA 90071-3103
nhoffman@mcguirewoods.com
jrezabek@mcguirewoods.com

By Electronic Transmission

ELECTRONICALLY FILED

Superior Court of California,
County of Alameda

06/14/2024 at 08:54:39 AM

By: Camie Thao,
Deputy Clerk

Rachel S. Doughty, Cal. Bar No. 255904
Rae Lovko, Cal. Bar No. 208855
GREENFIRE LAW, PC
2748 Adeline St., Suite A
Berkeley, CA 94703
(510) 900-9502
Emails: rdoughty@greenfirelaw.com
rlovko@greenfirelaw.com

Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ALAMEDA

As You Sow, a 510 (c)(3) non-profit
corporation,

Plaintiff,

v.

Etsy, Inc.,

Defendants,

Case No. 24CV078868

*Assigned for all purposes to:
Hon. Noel Wise, Department 21*

PROOF OF SERVICE

PROOF OF SERVICE

I am employed in the County of Alameda. My business address is 2749 Adeline Street, Suite A, Berkeley, California 94703. I am over the age of 18 years and not a party to the above-entitled action. Document(s) served:

- **Summons**
- **Complaint**
- **Exhibits 1 – 2 to Complaint**
- **Alternative Dispute Resolution (ADR) Package**
- **Civil Case Cover Sheet**
- **Notice of Case Management Conference**

On June 11, 2024, I served the foregoing document(s) on the parties in this action, located on the attached service list as designated below:

- () By First Class Mail: Deposited the above documents in a sealed envelope with the United States Postal Service, with the postage fully paid.
- () By Personal Service: I personally delivered each in a sealed envelope to the office of the address on the date last written below.
- () By Overnight Mail: I caused each to be placed in a sealed envelope and placed the same in a box or other facility regularly maintained by the express service carrier, or delivered to an authorized courier or driver authorized by the express service carrier to receive documents, in an envelope or package designated by the express service carrier with delivery fees paid or provided for.
- (x) By Electronic Transmission: Based on an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the e-mail addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on June 11, 2024, in Berkeley, California.



Jessica San Luis

SERVICE LIST

Nicholas J. Hoffman
 Joseph T. Rezabek
 McGuireWoods LLP
 Wells Fargo Center
 South Tower
 355 S. Grand Ave, Ste 4200
 Los Angeles, CA 90071-3103
 nhoffman@mcguirewoods.com
 JRezabek@mcguirewoods.com

By Electronic Transmission

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Rachel Doughty (CSB 255904), Jennifer Rae Lovko (CSB 208855) 2748 Adeline St, Suite A Berkeley, CA 94703 United States TELEPHONE NO.: 510-900-9502 FAX NO. (Optional): 510-900-9502 E-MAIL ADDRESS (Optional): rdoughty@greenfirelaw.com, Rlovko@greenfirelaw.com ATTORNEY FOR (Name): Plaintiff As You Sow, a 501(c)(3) non-profit corporation	FOR COURT USE ONLY ELECTRONICALLY FILED Superior Court of California, County of Alameda 06/18/2024 at 02:14:04 PM By: Camie Thao, Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA STREET ADDRESS: 1225 Fallon St. MAILING ADDRESS: 1225 Fallon St. CITY AND ZIP CODE: Oakland, 94612 BRANCH NAME: Rene C. Davidson Courthouse	
PLAINTIFF/PETITIONER: AS YOU SOW, A 510(C)(3) NON-PROFIT CORPORATION DEFENDANT/RESPONDENT: ETSY, INC. and DOES 1-20, inclusive	CASE NUMBER: 24CV078868
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☒ Alternative Dispute Resolution (ADR) package
 - d. ☒ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): Notice of Case Management Conference
3. a. Party served (specify name of party as shown on documents served):
 - b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
Counsel for Etsy, Inc., Nicholas J. Hoffman and Joseph T. Rezabek.
4. Address where the party was served:
NHoffman@mcguirewoods.com, JRezabek@mcguirewoods.com
5. I served the party (check proper box)
 - a. ☒ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): 06/18/2024 (2) at (time): 1:54 PM
 - b. ☐ **by substituted service.** On (date): _____ at (time): _____ I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3): _____
 - (1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): _____ from (city): _____ or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: AS YOU SOW, A 510(C)(3) NON-PROFIT CORPORATION DEFENDANT/RESPONDENT: ETSY, INC. and DOES 1-20, inclusive	CASE NUMBER: 24CV078868
---	-------------------------

5. c. ☐ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgement of Receipt.*) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ **by other means** (*specify means of service and authorizing code section*):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (*specify*):
- c. ☐ as occupant.
- d. ☒ On behalf of (*specify*): ETSY, INC.

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. **Person who served papers**

- a. Name: Nuria de la Fuente
- b. Address: 2748 Adeline St. Suite A, Berkeley, CA 94703
- c. Telephone number: (510) 900-9502
- d. The fee for service was: \$
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☒ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 06-18-2024

Nuria de la Fuente

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)



Nuria de la Fuente

(SIGNATURE)



Nuria de la Fuente <ndelafuente@greenfirelaw.com>

[E-Service] As You Sow v. Etsy, Inc. and Does 1-20, inclusive (Case No. 24CV078868)

1 message

Nuria de la Fuente <ndelafuente@greenfirelaw.com>

Tue, Jun 18, 2024 at 1:54 PM

To: "Nicholas J. Hoffman" <nhoffman@mcguirewoods.com>, "Joseph T. Rezabek" <JRezabek@mcguirewoods.com>

Cc: Rachel Doughty <rdoughty@greenfirelaw.com>, Jennifer Rae Lovko <rlovko@greenfirelaw.com>, Jessica San Luis <jsanluis@greenfirelaw.com>

Dear Counsel,

Attached please find electronic service of the following documents:

- Summons
- Complaint with Exhibits 1 & 2
- Alternative Dispute Resolution (ADR) Package
- Civil Case Cover Sheet
- Notice of Case Management Conference

Thank you,

--

Nuria de la Fuente, *Office Manager***Greenfire Law, PC**

2748 Adeline Street, Suite A

Berkeley, CA 94703

T: 510.900.9502 x 700

F: 510.900.9502

ndelafuente@greenfirelaw.com**6 attachments** **2024-06-07 Summons for ETSY, INC.pdf**
57K **2024-06-07 Complaint.pdf**
3289K **ADR Packet for Defendant.pdf**
279K **2024-06-07 Civil Case Cover Sheet.pdf**
176K **2024-06-07 Notice of Case Management Conference.pdf**
360K **2024-06-18 POS_Final.pdf**
111K

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse, Department 21

JUDICIAL OFFICER: HONORABLE NOËL WISE

Courtroom Clerk: Dazimon Kinney

CSR: None

24CV078868

July 9, 2024

2:30 PM

AS YOU SOW, A 501(C)(3) NON-PROFIT CORPORATION

vs

ETSY, INC., et al.

MINUTES

APPEARANCES:

NATURE OF PROCEEDINGS: Complex Determination Hearing filed by As You Sow, a 501(c)(3) non-profit corporation (Plaintiff) on 06/07/2024

The Court does not designate this case as complex. The parties will receive notice of a case management conference in another civil department. Any complex fees paid for or by the parties prior to the order shall be reimbursed in the amount paid pursuant to Government Code Section 70616(c).

Order for Release of Funds has been filed.

Clerk is directed to serve copies of this order, with proof of service, to counsel and to self-represented parties of record.

Nicole Hall

By:

N. Hall, Deputy Clerk

Minutes of: 07/09/2024

Entered on: 07/09/2024

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse

As You Sow, a 501(c)(3) non-profit corporation

Plaintiff/Petitioner(s)

VS.

Etsy, Inc. et al

Defendant/Respondent

(s)

No. 24CV078868

Date: 07/09/2024

Time: 2:30 PM

Dept: 21

Judge: Noël Wise

ORDER re: Complex Determination

Hearing filed by As You

Sow, a 501(c)(3) non-profit corporation


(Plaintiff) on 06/07/2024

The Court does not designate this case as complex. The parties will receive notice of a case management conference in another civil department. Any complex fees paid for or by the parties prior to the order shall be reimbursed in the amount paid pursuant to Government Code Section 70616(c).

Order for Release of Funds has been filed.

Clerk is directed to serve copies of this order, with proof of service, to counsel and to self-represented parties of record.

Dated : 07/09/2024



Noël Wise / Judge

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse

As You Sow, a 501(c)(3) non-profit corporation

Plaintiff/Petitioner(s)

VS.

Etsy, Inc. et al

Defendant/Respondent

(s)

No. 24CV078868

Date: 07/09/2024

Time: 2:30 PM

Dept: 21

Judge: Noël Wise

ORDER re: Complex Determination

Hearing filed by As You

Sow, a 501(c)(3) non-

profit corporation

(Plaintiff) on 06/07/2024

The Court does not designate this case as complex. The parties will receive notice of a case management conference in another civil department. Any complex fees paid for or by the parties prior to the order shall be reimbursed in the amount paid pursuant to Government Code Section 70616(c).

Order for Release of Funds has been filed.

Clerk is directed to serve copies of this order, with proof of service, to counsel and to self-represented parties of record.

Dated : 07/09/2024



Noël Wise / Judge

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse

<p align="center">SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA</p>	<p align="center">Reserved for Clerk's File Stamp</p>
<p>COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612</p>	<p align="center">FILED Superior Court of California County of Alameda 07/09/2024</p>
<p>PLAINTIFF/PETITIONER: As You Sow, a 501(c)(3) non-profit corporation</p>	<p>Chad Finke, Executive Officer / Clerk of the Court By: <u>Nicole Hall</u> Deputy</p>
<p>DEFENDANT/RESPONDENT: Etsy, Inc. et al</p>	<p align="center">N. Hall</p>
<p align="center">CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6</p>	<p>CASE NUMBER: 24CV078868</p>

I, the below named Executive Officer/Clerk of Court of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served one copy of the Order re: Complex Determination Hearing filed by As You Sow, a 501(c)(3) non-profit corporation (Plaintiff) on 06/07/2024 entered herein upon each party or counsel of record in the above entitled action, by electronically serving the document(s) from my place of business, in accordance with standard court practices.

Rachel Doughty
Greenfire Law, PC
rdoughty@greenfirelaw.com

Dated: 07/09/2024

Chad Finke, Executive Officer / Clerk of the Court

By:

Nicole Hall

N. Hall, Deputy Clerk

<p align="center">SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA</p>	<p align="center">Reserved for Clerk's File Stamp</p>
<p>COURTHOUSE ADDRESS: Rene C. Davidson Courthouse Administration Building, 1221 Oak Street, Oakland, CA 94612</p>	<p align="center">FILED Superior Court of California County of Alameda 07/10/2024 Clad Flake, Executive Officer / Clerk of the Court By: <u><i>A. Hewitt</i></u> Deputy A. Hewitt</p>
<p>PLAINTIFF(S) / PETI As You Sow, a 501(c)(3) non-profit corporation</p>	
<p>Etsy, Inc. et al</p>	
<p align="center">NOTICE OF CASE REASSIGNMENT</p>	<p>CASE NUMBER: 24CV078868</p>

EFFECTIVE 07/10/2024

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Pursuant to Rule 3.734 of the California Rules of Court and Title 3 Chapter 2 of the Local Rules of the Superior Court of California, County of Alameda, this action is hereby assigned by the Presiding Judge for all purposes to:

ASSIGNED JUDGE: Rebekah Evenson

DEPARTMENT: 24

LOCATION: Rene C. Davidson Courthouse
Administration Building, 1221 Oak Street, Oakland, CA 94612

PHONE NUMBER: (510) 267-6940

FAX NUMBER:

EMAIL ADDRESS: Dept24@alameda.courts.ca.gov

Under direct calendaring, this case is assigned to a single judge for all purposes including trial.

Please note: In this case, any challenge pursuant to Code of Civil Procedures section 170.6 must be exercised within the time period by law. (See Code of Civ. Proc. §§ 170.6, subd. (a.)(2) and 101.3)

NOTICE OF NONAVAILABILITY OF COURT REPORTERS: Effective June 4, 2012, the court will not provide a court reporter for civil law and motion hearings, any other hearing or trial in civil departments, or any afternoon hearing in Department 201 (probate). Parties may arrange and pay for the attendance of a certified shorthand reporter. In limited jurisdiction cases, parties may request electronic recording. Amended Local Rule 3.95 states: "Except as otherwise required by law, in general civil case and probate departments, the services of an official court reporter are not normally available. For civil trials, each party must serve and file a statement before the trial date indicating whether the party requests the presence of an official court reporter."

GENERAL PROCEDURES

Following assignment of a civil case to a specific department, all pleadings, papers, forms, documents and writings can be submitted for filing at either Civil Clerk's Office, located at the Rene C. Davidson Courthouse, Room 109, 1225 Fallon Street, Oakland, California, 94612, and the Hayward Hall of Justice, 24405 Amador Street, Hayward, California, 94544 and through Civil e-filing. Information regarding Civil e-filing can be found on the courts website. All documents, with the exception of the original summons and the original civil complaint, shall have clearly typed on the face page of each document, under the case number, the following:

NOTICE OF CASE REASSIGNMENT

ASSIGNED FOR ALL PURPOSES TO
JUDGE Rebekah Evenson
DEPARTMENT 24

All parties are expected to know and comply with the Local Rules of this Court, which are available on the court's website at [http://www.alameda.courts.ca.gov/Pages.aspx/Local-Rules\(1\)](http://www.alameda.courts.ca.gov/Pages.aspx/Local-Rules(1)) and with the California Rules of Court, which are available at www.courtinfo.ca.gov.

Parties must meet and confer to discuss the effective use of mediation or other alternative dispute processed (ADR) prior to the Initial Case Management Conference. The court encourages parties to file a "Stipulation to Attend ADR and Delay Initial Case Management Conference for 90 Days." The court's website contains this form and other ADR information. If the parties do not stipulate to attend ADR, the parties must be prepared to discuss referral to ADR at the Initial Case Management Conference.

COURT RESERVATIONS

The use of the Court Reservation System (CRS) is now mandated in many civil courtrooms within the Alameda County Superior Court. Instead of calling or emailing the courtroom to make a reservation, parties with a case assigned to a courtroom using CRS are directed to utilize CRS to make and manage their own reservations, within parameters set by the courtrooms. CRS is available 24 hours a day, seven days a week and reservations can be made from a computer or smart phone. Please note, you are prohibited from reserving more than one hearing date for the same motion.

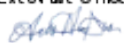
Prior to scheduling any motion on CRS, including any Applications for Orders for Appearance and Examination, or continuing any motion, please review the online information (if any) for the courtroom in which you are reserving. There may be specific and important conditions associated with certain motions and proceedings. Information is available on the court's eCourt Public Portal at www.eportal.alameda.courts.ca.gov.

Chad Finke, Executive Officer / Clerk of the Court

By



A. Hewitt, Deputy Clerk

<p align="center">SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA</p>	<p align="center">Reserved for Clerk's File Stamp</p>
<p>COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612</p>	<p align="center">FILED Superior Court of California County of Alameda 07/10/2024</p>
<p>PLAINTIFF/PETITIONER: As You Sow, a 501(c)(3) non-profit corporation</p>	<p>Chad Finke, Executive Officer / Clerk of the Court By:  Deputy</p>
<p>DEFENDANT/RESPONDENT: Etsy, Inc. et al</p>	<p align="center">A. Hewitt</p>
<p align="center">CERTIFICATE OF MAILING</p>	<p>CASE NUMBER: 24CV078868</p>

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the attached document upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Oakland, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Rachel Doughty
Greenfire Law, PC
2748 Adeline Street, Suite A
Berkeley, CA 94703

Chad Finke, Executive Officer / Clerk of the Court


Dated: 07/10/2024

By:



A. Hewitt, Deputy Clerk

CERTIFICATE OF MAILING

<p align="center">SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA</p>	<p align="center">Reserved for Clerk's File Stamp</p>
<p>COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612</p>	<p align="center">FILED Superior Court of California County of Alameda 07/10/2024</p>
<p>PLAINTIFF/PETITIONER: As You Sow, a 501(c)(3) non-profit corporation</p>	<p>Chad Finke, Executive Officer / Clerk of the Court By:  Deputy</p>
<p>DEFENDANT/RESPONDENT: Etsy, Inc. et al</p>	<p align="center">A. Hewitt</p>
<p align="center">CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6</p>	<p>CASE NUMBER: 24CV078868</p>

I, the below named Executive Officer/Clerk of Court of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served one copy of the attached document entered herein upon each party or counsel of record in the above entitled action, by electronically serving the document(s) from my place of business, in accordance with standard court practices.

Rachel Doughty
Greenfire Law, PC
rdoughty@greenfirelaw.com

Chad Finke, Executive Officer / Clerk of the Court

Dated: 07/10/2024

By:



A. Hewitt, Deputy Clerk

<p align="center">SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA</p>	<p align="center">Reserved for Clerk's File Stamp</p>
<p>COURTHOUSE ADDRESS: Rene C. Davidson Courthouse Administration Building, 1221 Oak Street, Oakland, CA 94612</p>	<p align="center">FILED Superior Court of California County of Alameda 07/10/2024 Clad Flake, Executive Officer / Clerk of the Court By: <u><i>A. Hewitt</i></u> Deputy A. Hewitt</p>
<p>PLAINTIFF(S) / PETI As You Sow, a 501(c)(3) non-profit corporation</p>	
<p>Etsy, Inc. et al</p>	
<p align="center">NOTICE OF CASE REASSIGNMENT</p>	<p>CASE NUMBER: 24CV078868</p>

EFFECTIVE 07/10/2024

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Pursuant to Rule 3.734 of the California Rules of Court and Title 3 Chapter 2 of the Local Rules of the Superior Court of California, County of Alameda, this action is hereby assigned by the Presiding Judge for all purposes to:

ASSIGNED JUDGE: Karin Schwartz

DEPARTMENT: 20

LOCATION: Rene C. Davidson Courthouse
Administration Building, 1221 Oak Street, Oakland, CA 94612

PHONE NUMBER: (510) 267-6936

FAX NUMBER:

EMAIL ADDRESS: Dept20@alameda.courts.ca.gov

Under direct calendaring, this case is assigned to a single judge for all purposes including trial.

Please note: In this case, any challenge pursuant to Code of Civil Procedures section 170.6 must be exercised within the time period by law. (See Code of Civ. Proc. §§ 170.6, subd. (a.)(2) and 101.3)

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GENERAL PROCEDURES

Following assignment of a civil case to a specific department, all pleadings, papers, forms, documents and writings can be submitted for filing at either Civil Clerk's Office, located at the Rene C. Davidson Courthouse, Room 109, 1225 Fallon Street, Oakland, California, 94612, and the Hayward Hall of Justice, 24405 Amador Street, Hayward, California, 94544 and through Civil e-filing. Information regarding Civil e-filing can be found on the courts website. All documents, with the exception of the original summons and the original civil complaint, shall have clearly typed on the face page of each document, under the case number, the following:

NOTICE OF CASE REASSIGNMENT

ASSIGNED FOR ALL PURPOSES TO
JUDGE Karin Schwartz
DEPARTMENT 20

All parties are expected to know and comply with the Local Rules of this Court, which are available on the court's website at [http://www.alameda.courts.ca.gov/Pages.aspx/Local-Rules\(1\)](http://www.alameda.courts.ca.gov/Pages.aspx/Local-Rules(1)) and with the California Rules of Court, which are available at www.courtinfo.ca.gov.

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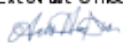
Prior to scheduling any motion on CRS, including any Applications for Orders for Appearance and Examination, or continuing any motion, please review the online information (if any) for the courtroom in which you are reserving. There may be specific and important conditions associated with certain motions and proceedings. Information is available on the court's eCourt Public Portal at www.eportal.alameda.courts.ca.gov.

Chad Finke, Executive Officer / Clerk of the Court

By



A. Hewitt, Deputy Clerk

<p align="center">SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA</p>	<p align="center">Reserved for Clerk's File Stamp</p>
<p>COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612</p>	<p align="center">FILED Superior Court of California County of Alameda 07/10/2024</p>
<p>PLAINTIFF/PETITIONER: As You Sow, a 501(c)(3) non-profit corporation</p>	<p>Chad Finke, Executive Officer / Clerk of the Court By:  Deputy</p>
<p>DEFENDANT/RESPONDENT: Etsy, Inc. et al</p>	<p align="center">A. Hewitt</p>
<p align="center">CERTIFICATE OF MAILING</p>	<p>CASE NUMBER: 24CV078868</p>

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the attached document upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Oakland, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Rachel Doughty
Greenfire Law, PC
2748 Adeline Street, Suite A
Berkeley, CA 94703

Chad Finke, Executive Officer / Clerk of the Court


Dated: 07/10/2024

By:



A. Hewitt, Deputy Clerk

CERTIFICATE OF MAILING

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<p align="center">CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6</p>	<p>CASE NUMBER: 24CV078868</p>

I, the below named Executive Officer/Clerk of Court of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served one copy of the attached document entered herein upon each party or counsel of record in the above entitled action, by electronically serving the document(s) from my place of business, in accordance with standard court practices.

Rachel Doughty
Greenfire Law, PC
rdoughty@greenfirelaw.com

Chad Finke, Executive Officer / Clerk of the Court

Dated: 07/10/2024

By:



A. Hewitt, Deputy Clerk